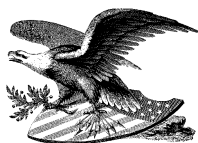


**Rules of Procedure
for the
Committee on Homeland Security**

U.S. House of Representatives

109th Congress



Adopted February 9, 2005

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Committee on Homeland Security**

U.S. House of Representatives
Committee on Homeland Security

109th Congress

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**COMMITTEE ON HOMELAND
SECURITY
COMMITTEE RULES
109TH CONGRESS**

I. GENERAL PROVISIONS

- A. *Applicability of the Rules of the U.S. House of Representatives* — The Rules of the U.S. House of Representatives (the “House”) are the rules of the Committee on Homeland Security (the “Committee”) and its subcommittees insofar as applicable.
- B. *Applicability to Subcommittees* — Except where the terms “full Committee” and “subcommittee” are specifically referred to, the following rules shall apply to the Committee’s subcommittees and their respective Chairmen and Ranking Minority Members to the same extent as they apply to the full Committee and its Chairman and Ranking Minority Member.
- C. *Appointments by the Chairman* — The Chairman of the Committee (“the Chairman”) shall appoint a Member of the majority party to serve as Vice Chairman of the Committee. The Chairman shall appoint other Members of the majority party to serve as Chairmen of each of the subcommittees.
- D. *Referral of Bills by Chairman* — Except for bills or measures retained by the Chairman for full Committee consideration or discharged by the Chairman, every bill or other measure referred to the Committee shall be referred by the Chairman to the appropriate subcommittee within two weeks of receipt by the Committee for consideration in accordance with its jurisdiction. Where the subject matter of the referral involves the jurisdiction of more than one subcommittee or does not fall within any previously assigned jurisdiction, the Chairman will refer the matter as he or she deems advisable. Bills, resolutions,

and other matters referred to subcommittees may be reassigned or discharged by the Chairman when, in his or her sole judgment, the subcommittee is not able to complete its work or cannot reach agreement on the matter in a timely manner.

- E. *Recommendation of Conferees* — Whenever the Speaker of the House is to appoint a conference committee on a matter within the jurisdiction of the Committee, the Chairman shall recommend to the Speaker of the House conferees from the Committee. In making recommendations of minority Members as conferees, the Chairman shall do so with the concurrence of the Ranking Minority Member of the Committee.
- F. *Motions to Disagree* — The Chairman is directed to offer a motion under clause 1 of rule XXII of the Rules of the House whenever the Chairman considers it appropriate.

II. MEETINGS AND HEARINGS

- A. *Regular Meeting Date* — The regular meeting date and time for the transaction of business of the Committee shall be at 10:00 a.m. on the first Wednesday that the House is in Session each month, unless otherwise directed by the Chairman.
- B. *Additional Meetings* — The Chairman may call and convene, as he or she considers necessary, additional meetings of the Committee for the consideration of any bill or resolution pending before the Committee or for the conduct of other Committee business. The Committee shall meet for such purposes pursuant to the call of the Chairman.
- C. *Consideration* — Except in the case of a special meeting held under Clause 2(c)(2) of House Rule XI, the determination of the business to be considered at each meeting of the Committee shall be made by the Chairman.
- D. *Notice* —
 - 1. *Hearings* — The date, time, place and subject matter of any hearing of the Committee shall,

except as provided in the Committee rules, be announced by notice at least one week in advance of the commencement of such hearing. The names of all witnesses scheduled to appear at such hearing shall be provided to Members no later than 48 hours prior to the commencement of such hearing. These notice requirements may be abridged or waived in extraordinary circumstances, as determined by the Chairman with the concurrence of the Ranking Minority Member.

2. *Meetings* — The date, time, place and subject matter of any meeting, other than a hearing or a regularly scheduled meeting, shall be announced at least 36 hours in advance for a meeting taking place on a day the House is in session, and 72 hours in advance of a meeting taking place on a day the House is not in session, except in the case of a special meeting called under Clause 2(c)(2) of House Rule XI. These notice requirements may be abridged or waived in extraordinary circumstances, as determined by the Chairman in consultation with the Ranking Minority Member.
 3. *Publication* — The meeting announcement shall be published in the Daily Digest portion of the Congressional Record.
- E. *Open Meetings* — All meetings of the Committee shall be open to the public except when the Committee, in open session and with a majority present, determines by recorded vote that all or part of the remainder of that hearing on that day shall be closed to the public because disclosure of testimony, evidence, or other matters to be considered would endanger the national security or would violate any law or rule of the House, in accordance with Clause 2(g) or 2(k) of House Rule XI.
- F. *Quorum Requirements* — Two Members shall constitute a quorum for the purposes of receiving testimony and evidence at a duly noticed hearing or meeting. One-third of the Members of the Committee

shall constitute a quorum for the transaction of business, except that a majority of the Committee shall constitute a quorum for ordering a report, entering executive session, releasing executive session material, issuing a subpoena, immunizing a witness, reporting contempt, or where otherwise required under the rules of the House.

- G. *Opening Statements* — At any meeting of the full Committee, the Chairman and Ranking Minority Member shall be entitled to present oral opening statements of five minutes each. Other Members may submit written opening statements for the record. In the case of a meeting of any subcommittee, the Chairmen and Ranking Minority Members of the subcommittee and the full Committee shall be entitled to present oral opening statements of five minutes each, and other Members may submit written opening statements for the record. At any hearing of the full Committee, the Chairman of the full Committee, and at any hearing of a subcommittee, the Chairman of that subcommittee, in his or her discretion and with the concurrence of the Ranking Minority Member of the full Committee or of that subcommittee, respectively, may permit additional opening statements by other Members of the full Committee or of that subcommittee at the hearing in question.
- H. *Questioning of Witnesses* — Committee questioning of witnesses shall be conducted by any Member of the Committee, as well as by such Committee staff as may be authorized by the Chairman or presiding Member to question such witnesses. Committee Members or authorized staff may question witnesses only when recognized by the Chairman for that purpose.
 - 1. *Time Limitation* — In the course of any hearing, Members shall be limited to five minutes on the initial round of questioning. No Member shall be recognized for a second opportunity to question a witness until each Member of the Committee who is present has been recognized for that purpose.

2. *Order of Recognition* — In questioning witnesses, the Chairman and the Ranking Minority Member shall be recognized first, after which Members who are in attendance when the Chairman gavel the hearing to order will be recognized in the order of their seniority on the Committee, alternating between majority and minority Members. Members arriving after the commencement of a hearing shall be recognized after all Members present at the beginning of the hearing have been recognized, in the order of their appearance, alternating between majority and minority Members.
3. *Alternative Questioning Procedure* — The Chairman, or the Committee by motion, may permit an equal number of majority and minority Members to question a witness for a specified, total period that is equal for each side and not longer than 30 minutes for each side. The Chairman, or the Committee by motion, may permit Committee staff of the majority and minority to question a witness for a specified, total period that is equal for each side and not longer than 30 minutes for each side.
 - I. *Oath or Affirmation* — Whenever the full Committee or the Subcommittee on Management, Integration, and Oversight holds a hearing or meeting that the Chairman has designated as an investigatory hearing or meeting in order to take testimony or consider other evidence, the testimony of any person before such Committee or Subcommittee shall be given under oath or affirmation administered by the Chairman or his designee.
 - J. *Statements by Witnesses* —
 1. Witnesses shall submit a prepared or written statement for the record of the proceedings (including, where practicable an electronic copy) with the Clerk of the Committee, and insofar as practicable and consistent with the notice given, shall do so no less than 48 hours in advance of the witness' appearance before the Committee, unless

such requirement is waived or otherwise modified by the Chairman in consultation with the Ranking Minority Member.

2. To the greatest extent practicable, the written testimony of each witness appearing in a non-governmental capacity shall include a curriculum vitae and a disclosure of the amount and source (by agency and program) of any federal grant (or subgrant thereof) or contract (or subcontract thereof) received during the current fiscal year or either of the two preceding fiscal years by the witness or by an entity represented by the witness.
- K. *Objections and Ruling* — Except as otherwise provided by the rules of the House, any objection raised by a witness shall be ruled upon by the Chairman or other presiding Member, and such ruling shall be the ruling of the Committee unless a Member of the Committee appeals the ruling of the chair and a majority of the Committee present fails to sustain the ruling of the chair.
- L. *Transcripts* — A transcript shall be made of the testimony of each witness appearing before the Committee during a Committee hearing. All hearings of the Committee which are open to the public shall be printed and made available.
- M. *Minority Witnesses* — Whenever a hearing is conducted by the Committee upon any measure or matter, the minority party Members on the Committee shall be entitled, upon request to the Chairman by a majority of those minority Members before the completion of such hearing, to call witnesses selected by the minority to testify with respect to that measure or matter during at least one day of hearing thereon.
- N. *Contempt Procedures* — No recommendation that a person be cited for contempt of Congress shall be forwarded to the House unless and until the Committee has, upon notice to all its Members, met and considered the alleged contempt. The person to be cited for contempt shall be afforded, upon notice of at least 72 hours, an opportunity to state why he or she should not

be held in contempt, prior to a vote of all the Committee, a quorum being present, on the question whether to forward such recommendation to the House. Such statement shall be, in the discretion of the Chairman, either in writing or in person before the Committee.

- O. *The Five-Minute Rule* — The time any one Member may address the Committee on any bill, motion, or other matter under consideration by the Committee shall not exceed five minutes, and then only when the Member has been recognized by the Chairman, except that this time limit may be exceeded when permitted by unanimous consent.
- P. *Postponement of Vote* — The Chairman may postpone further proceedings when a record vote is ordered on the question of approving any measure or matter or adopting an amendment. The Chairman may resume proceedings on a postponed vote at any time, provided that all reasonable steps have been taken to notify Members of the resumption of such proceedings. When proceedings resume on a postponed question, notwithstanding any intervening order for the previous question, an underlying proposition shall remain subject to further debate or amendment to the same extent as when the question was postponed.
- Q. *Breaches of Decorum* — The Chairman may punish breaches of order and decorum, by censure and exclusion from the hearing; and the Committee may cite the offender to the House for contempt.
- R. *Access to Dais* — Access to the dais during and before a hearing, mark-up or other meeting of the Committee shall be limited to Members and staff of the Committee, and staff of Members of the Committee.
- S. *Cellular Telephones* — The ringing or conversational use of cellular telephones is prohibited on the Committee dais or in the Committee hearing room during a hearing, mark-up, or other meeting of the Committee.
- T. *Broadcasting* — Whenever any hearing or meeting conducted by the Committee is open to the public, the

Committee shall permit that hearing or meeting to be covered by television broadcast, internet broadcast, print media, and still photography, or by any of such methods of coverage, subject to the provisions of the Legislative Reorganization Act of 1970 (Section 116(b) and House Rule XI. Priority shall be given by the Committee to members of the Press Galleries.

III. SUBPOENAS

- A. *Authorization* — The Committee, or any subcommittee, may authorize and issue a subpoena under clause 2(m)(2)(A) of Rule XI of the House, if authorized by a majority of the members of the Committee or subcommittee (as the case may be) voting, a quorum being present. The power to authorize and issue subpoenas is also delegated to the Chairman of the full Committee, in consultation with the Ranking Minority Member, as provided for under clause 2(m)(3)(A)(i) of Rule XI of the House of Representatives. Subpoenas shall be issued under the seal of the House and attested by the Clerk of the House, and may be served by any person designated by the Chairman. Subpoenas shall be issued under the Chairman's signature or that of a Member designated by the Committee.
- B. *Disclosure* — Provisions may be included in a subpoena, by concurrence of the Chairman and Ranking Minority Member, or by the Committee, to prevent the disclosure of Committee demands for information when deemed necessary for the security of information or the progress of an investigation, including but not limited to prohibiting the revelation by witnesses and their counsel of Committee inquiries.
- C. *Subpoena duces tecum* — A subpoena *duces tecum* may be issued whose return shall occur at a time and place other than that of a regularly scheduled meeting.
- D. *Requests for Investigations* — Requests for investigations, reports, and other assistance from any agency of the executive, legislative, and judicial branches of the federal government shall be made by

the Chairman, upon consultation with the Ranking Minority Member, or by the Committee.

- E. *Affidavits and Depositions* — The Chairman, in consultation with the Ranking Member, or the Committee may authorize the taking of an affidavit or deposition with respect to any person who is subpoenaed under these rules but who is unable to appear in person to testify as a witness at any hearing or meeting.

IV. SUBCOMMITTEES

- A. *Generally* — The Committee shall be organized to consist of five standing subcommittees with the following jurisdiction:
 - 1. Subcommittee on Prevention of Nuclear and Biological Attack: Prevention of terrorist attacks on the United States involving nuclear and biological weapons, including the Department of Homeland Security's role in nuclear and biological counter-proliferation and detection of fissile materials, biological weapons, precursors, and production equipment; the Department of Homeland Security's role in detecting and interdicting commerce in and transit of nuclear and biological weapons, components, precursors, delivery systems, and production equipment; development and deployment of sensors to detect nuclear and biological weapons, components, precursors, and production equipment; inspections conducted domestically and abroad to detect and interdict nuclear and biological weapons, components, precursors, delivery systems, and production equipment; nuclear and biological threat certification and characterization; preventative use of technology, including forensic analytic techniques, to attribute nuclear and biological weapons-related samples to their sources; border, port, and transportation security designed to prevent nuclear and biological attacks on the United States; integration of federal, state,

and local efforts to prevent nuclear and biological attacks, including coordination of border security initiatives for this purpose; conducting relevant oversight; and other matters referred to the Subcommittee by the Chairman.

2. Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment: Intelligence and information sharing for the purpose of preventing, preparing for, and responding to potential terrorist attacks on the United States; the responsibility of the Department of Homeland Security for comprehensive, nationwide, terrorism-related threat, vulnerability, and risk analyses; the integration, analysis, and dissemination of homeland security information, including the Department of Homeland Security's participation in, and interaction with, other public and private sector entities for any of those purposes; communications of terrorism-related information by the federal government to State, local, and private sector entities; issuance of terrorism threat advisories and warnings (including administration of the Homeland Security Advisory System); liaison of the Department of Homeland Security with U.S. intelligence and law enforcement agencies; information gathering, analysis, and sharing by Department of Homeland Security entities; the role of intelligence in terrorism threat prioritization; conducting relevant oversight; and other matters referred to the Subcommittee by the Chairman.
3. Subcommittee on Economic Security, Infrastructure Protection, and Cybersecurity: Development of strategies to protect against terrorist attack against the United States; prioritizing risks through analytical tools and cost/benefit analyses; prioritizing investment in critical infrastructure protection across all sectors, including transportation (air, land, sea, and

intermodal, both domestic and international); defeating terrorist efforts to inflict economic costs through threats and violence; mitigation of potential consequences of terrorist attacks on critical infrastructure, and related target hardening strategies; border, port, and transportation security; in the wake of an attack on one sector, ensuring the continuity of other sectors including critical government, business, health, financial, commercial, and social service functions; security of computer, telecommunications, information technology, industrial control systems, electronic infrastructure, and data systems; protecting government and private networks and computer systems from domestic and foreign attack; preventing potential injury to civilian populations and physical infrastructure resulting, directly or indirectly, from cyber attacks; with respect to each of the foregoing, assessing the impact of potential protective measures on the free flow of commerce and the promotion of economic growth; conducting relevant oversight; and other matters referred to the Subcommittee by the Chairman.

4. Subcommittee on Management, Integration, and Oversight: Oversight of Department of Homeland Security progress in implementing the management and organizational directives of the Homeland Security Act and other homeland security-related mandates; Department of Homeland Security offices responsible for the provision of department-wide services, including the Under Secretary for Management, the Chief Information Officer, and the Chief Financial Officer; cross-directorate, Department-wide standardization and programmatic initiatives; investigations and reports by the Inspector General of the Department of Homeland Security; standardization and security of Department of Homeland Security communications systems and information technology infrastructure;

harmonization and effectiveness of Department of Homeland Security budgeting, acquisition, procurement, personnel, and financial management systems; incentives and barriers to hiring that affect Department components; Department of Homeland Security-initiated internal reorganizations; conducting relevant oversight; and other matters referred to the Subcommittee by the Chairman.

5. Subcommittee on Emergency Preparedness, Science, and Technology: Preparedness for and collective response to terrorism, including federal support to first responders; terrorism-related incident management and response; consequence mitigation; Department of Homeland Security-administered homeland security grants to first responders; conduct and coordination of exercises and training relating to mitigating the effects of and responding to terrorist attacks (including nuclear, biological, radiological, and chemical attacks on civilian populations); federal government coordination of terrorism-related emergency preparedness and response with and among state and local governments, the private sector, and the public; research, development and deployment of technology for combating terrorism; adaptation of existing technologies to homeland security prevention priorities; coordination and enhancement of Department of Homeland Security interaction on science and technology matters with the private sector, federally funded research and development centers, educational institutions, the National Laboratories, and other scientific resources; Department of Homeland Security-based science and technology entities and initiatives; conducting relevant oversight; and other matters referred to the Subcommittee by the Chairman.

- B. *Powers and Duties of Subcommittees* — Except as otherwise directed by the Chairman of the full

Committee, each subcommittee is authorized to meet, hold hearings, receive testimony, mark up legislation, and report to the Committee on all matters within its jurisdiction. Subcommittee chairmen shall set hearing and meeting dates only with the approval of the Chairman of the Committee.

- C. *Selection and Ratio of Subcommittee Members* — The Chairman and Ranking Member shall select their respective Members of each Subcommittee. The ratio of majority to minority Members shall be comparable to the ratio of majority to minority Members on the full Committee, except that each subcommittee shall have at least two more majority Members than minority Members.
- D. *Ex Officio Members* — The Chairman and the Ranking Minority Member of the Committee shall be ex officio members of all subcommittees, with full rights as a member of each subcommittee. They are authorized to vote on all matters that arise before any subcommittee, and may be counted for purposes of establishing a quorum in such subcommittees.
- E. *Special Voting Provision* — If a tie vote occurs in a subcommittee on the question of reporting any measure to the full Committee, the measure shall be placed on the agenda for full Committee consideration as if it had been ordered reported by the subcommittee without recommendation.

V. COMMITTEE STAFF

- A. *Generally* — Members of the Committee staff shall work collegially, with discretion, and always with the best interests of the Nation's security foremost in mind. Committee business shall, whenever possible, take precedence over other official and personal business. For the purpose of these rules, Committee staff means the employees of the Committee, consultants engaged by the Committee, and any other person engaged by contract, or otherwise, to perform services for, or at the request of, the Committee, including detailees and fellows. All such persons shall be subject to the same

requirements as employees of the Committee under this rule. To be employed or otherwise engaged by the Committee, an individual must be eligible to be considered for routine (non-limited) access to classified information.

- B. *Staff Assignments* — All Committee staff shall be staff of, and engaged by, the full Committee. Committee staff shall be either majority, minority, or joint. Majority staff shall be designated by and assigned to the Chairman. Minority staff shall be designated by and assigned to the Ranking Minority Member. Joint Committee staff shall be designated by the Chairman, in consultation with the Ranking Minority Member, and assigned to service of the full Committee. The Chairman shall certify Committee staff appointments, including appointments by the Ranking Minority Member and joint staff appointments, to the Clerk of the House in writing.
- C. *Joint Committee Staff* — The Chairman and Ranking Minority Member may agree to employ joint Committee staff, with duties as mutually agreed. Such joint Committee staff works for the Committee as a whole, under the supervision and direction of the Staff Director of the Committee.
- D. *Notification of Testimony* — No member of the Committee staff shall be employed by the Committee unless and until such person agrees in writing, as a condition of employment, to notify the Committee of any request for testimony, either while a member of the Committee staff or at any time thereafter, with respect to classified information which came into the staff member's possession by virtue of his or her position as a member of the Committee staff. Such classified information shall not be disclosed in response to such requests except as authorized by the Committee.
- E. *Divulgence of Information* — Prior to the public acknowledgement by the Chairman or the Committee of a decision to initiate an investigation of a particular person, entity, or subject, no member of the Committee staff shall divulge to any person any information,

including non-classified information, which comes into his or her possession by virtue of his or her status as a member of the Committee staff, if such information may alert the subject of a Committee investigation to the existence, nature, or substance of such investigation, unless authorized to do so by the Chairman or the Committee.

VI. MEMBER AND STAFF TRAVEL

- A. *Approval of Travel* — Consistent with the primary expense resolution and such additional expense resolutions as may have been approved, travel to be reimbursed from funds set aside for the Committee for any Member or any Committee staff shall be paid only upon the prior authorization of the Chairman. Travel may be authorized by the Chairman for any Member and any Committee staff only in connection with official Committee business, such as the attendance of hearings conducted by the Committee and meetings, conferences, site visits, and investigations that involve activities or subject matter under the general jurisdiction of the Committee.
1. *Proposed Travel by Majority Party Members and Staff* — In the case of proposed travel by majority party Members or Committee staff, before such authorization is given, there shall be submitted to the Chairman in writing the following: (a) the purpose of the travel; (b) the dates during which the travel is to be made and the date or dates of the event for which the travel is being made; (c) the location of the event for which the travel is to be made; and (d) the names of Members and staff seeking authorization. On the basis of that information, the Chairman shall determine whether the proposed travel is for official Committee business, concerns subject matter within the jurisdiction of the Committee, and is not excessively costly in view of the Committee business proposed to be conducted.

2. *Proposed Travel by Minority Party Members and Staff* — In the case of proposed travel by minority party Members or Committee staff, the Ranking Minority Member shall provide to the Chairman a written representation setting forth the information specified in items (a), (b), (c), and (d) of subparagraph (1) and his or her determination that such travel complies with the other requirements of subparagraph (1).
3. *Foreign Travel* — All Committee Member and staff requests for Committee-funded foreign travel must be submitted to the Chairman, through the Chief Financial Officer of the Committee, not less than seven business days prior to the start of the travel. Within 60 days of the conclusion of any such foreign travel authorized under this rule, there shall be submitted to the Chairman a written report summarizing the information gained as a result of the travel in question, or other Committee objectives served by such travel.

VII. COMMITTEE RECORDS

- A. *Legislative Calendar* — The Clerk of the Committee shall maintain a printed calendar for the information of each Committee Member showing any procedural or legislative measures considered or scheduled to be considered by the Committee, and the status of such measures and such other matters as the Committee determines shall be included. The calendar shall be revised from time to time to show pertinent changes. A copy of such revisions shall be made available to each Member of the Committee upon request.
- B. *Members Right To Access* — Members of the Committee and of the House shall have access to all official Committee records. Access to Committee files shall be limited to examination within the Committee offices at reasonable times. Access to Committee records that contain classified information shall be provided in a manner consistent with section VIII of these rules.

- C. *Removal of Records* — Files and records of the Committee are not to be removed from the Committee offices. No Committee files or records that are not made publicly available shall be photocopied by any Member.
- D. *Executive Session Records* — Evidence or testimony received by the Committee in executive session shall not be released or made available to the public unless agreed to by the Committee. Members may examine the Committee's executive session records, but may not make copies of, or take personal notes from, such records.
- E. *Public Inspection* — The Committee shall keep a complete record of all Committee action including recorded votes. Information so available for public inspection shall include a description of each amendment, motion, order or other proposition and the name of each Member voting for and each Member voting against each such amendment, motion, order, or proposition, as well as the names of those Members present but not voting. Such record shall be made available to the public at reasonable times within the Committee offices.
- F. *Separate and Distinct* — All Committee records and files must be kept separate and distinct from the office records of the Members serving as Chairman and Ranking Minority Member. Records and files of Members' personal offices shall not be considered records or files of the Committee.
- G. *Disposition of Committee Records* — At the conclusion of the 109th Congress, the records of the Committee shall be delivered to the Archivist of the United States in accordance with Rule VII of the Rules of the House.
- H. *Archived Records* — The records of the Committee at the National Archives and Records Administration shall be made available for public use in accordance with Rule VII of the Rules of the House. The Chairman shall notify the Ranking Minority Member of any decision, pursuant to clause 3 (b)(3) or clause 4 (b) of the Rule, to withhold a record otherwise available, and

the matter shall be presented to the Committee for a determination on the written request of any member of the Committee. The Chairman shall consult with the Ranking Minority Member on any communication from the Archivist of the United States or the Clerk of the House concerning the disposition of noncurrent records pursuant to clause 3(b) of the Rule.

VIII. CLASSIFIED AND OTHER CONFIDENTIAL INFORMATION

- A. *Security Precautions* — Committee staff offices, including majority and minority offices, shall operate under strict security precautions administered by the Security Officer of the Committee. A security officer shall be on duty at all times during normal office hours. Sensitive or classified documents may be examined only in an appropriately secure manner. Removal from the secure area of the Committee's offices of such documents and other materials is prohibited except with leave of the Chairman for use in furtherance of Committee business, in accordance with applicable security procedures.
- B. *Temporary Custody of Executive Branch Material* — Executive branch documents or other materials containing classified information in any form that were not made part of the record of a Committee hearing, did not originate in the Committee or the House, and are not otherwise records of the Committee shall, while in the custody of the Committee, be segregated and maintained by the Committee in the same manner as Committee records that are classified. Such documents and other materials shall be returned to the Executive branch agency from which they were obtained at the earliest practicable time.
- C. *Access by Committee Staff* — Access to classified information supplied to the Committee shall be limited to Committee staff members with appropriate security clearance and a need-to-know, as determined by the Committee, and under the Committee's direction, the Majority and Minority Staff Directors.

- D. *Maintaining Confidentiality* — No Member of the Committee or Committee staff shall disclose, in whole or in part or by way of summary, to any person who is not a Member of the Committee or an authorized member of Committee staff for any purpose or in connection with any proceeding, judicial or otherwise, any testimony given before the Committee in executive session. Classified information shall be handled in accordance with all applicable provisions of law and consistent with the provisions of these rules.
- E. *Oath* — Before a Member or Committee staff member may have access to classified information, the following oath (or affirmation) shall be executed:

“I do solemnly swear (or affirm) that I will not disclose any classified information received in the course of my service on the Committee on Homeland Security, except as authorized by the Committee or the House of Representatives or in accordance with the Rules of such Committee or the Rules of the House.”

Copies of the executed oath (or affirmation) shall be retained by the Clerk as part of the records of the Committee.

- F. *Disciplinary Action* — The Chairman shall immediately consider disciplinary action in the event any member of the Committee staff fails to conform to the provisions of these rules governing the disclosure of classified or unclassified information. Such disciplinary action may include, but shall not be limited to, immediate dismissal from the Committee staff, criminal referral to the Justice Department, and notification of the Speaker of the House. With respect to minority party staff, the Chairman shall consider such disciplinary action in consultation with the Ranking Minority Member.

IX. CHANGES TO COMMITTEE RULES

These rules may be modified, amended, or repealed by the Committee provided that a notice in writing of the proposed change has been given to each Member at least 48 hours prior to the meeting at which action thereon is to be taken.

